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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/536,683	05/27/2005	Josef Zug	HM-629PCT	4620
40570	7590	10/25/2006	EXAMINER	
FRIEDRICH KUEFFNER 317 MADISON AVENUE, SUITE 910 NEW YORK, NY 10017			HERRERA, JENNIFER	
			ART UNIT	PAPER NUMBER
			3652	

DATE MAILED: 10/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/536,683	Applicant(s) ZUG ET AL.	
	Examiner Jennifer P. Herrera	Art Unit 3652	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 May 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☒ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>5/27/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to because of the leader for reference number 8, sliding block. The leader is not pointing to the sliding blocks.
2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: A-A and B-B IN Figures 7 and 9 respectively.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet"

or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections – 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 2-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. Regarding claim 2, "until the intended total lift is reached" is indefinite since total lift was not disclosed. The wording of the claim, as understood by the Examiner, is unclear to describe the lifting structural elements.

b. Regarding claim 3, the support saddle, as best understood by the Examiner, plainly describes the need for the element. In claim 1, applicant discloses the scissor lift a vertical guide for the support saddle.

c. Claims 3 and 4 recite the limitations:

- i. "the useful load" in line 4 of claim 3, and
- ii. "the sliding blocks" in line 3 of claim 4.

There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections – 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 5, and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyahara et al. (U.S. 4,971,508) in view of Sikli (U.S. 4,175,644).

a. Regarding claim 1, Miyahara discloses a chassis, 7, conveyance path, 2 & 3, support saddle, 35, base, 14, and a hydraulic cylinder, 26. Miyahara does not disclose a scissor lifting unit and two lifting cylinders. Sikli discloses the scissor lift, 20, and hydraulic cylinders, 64 & 66. Therefore it would have been obvious to a person of ordinary skill in the art at the time of the invention to add Sikli's scissor lift to Miyahara's device to insure the user a collapsible lift to a minimal height as well as allowing the arms support the load as taught by Sikli in column 4, lines 4-14. The motivation to modify Miyahara's cylinder with Sikli's

cylinders would insure the user a parallel lift from the base with an equal exerted force from each cylinder.

b. Regarding claim 5, Miyahara discloses the running gear, 7, and drive mechanisms, 8 & 9.

c. Regarding claim 6, Miyahara discloses a standard cylinder of a high-pressure class in column 2, line 64.

5. Claims 1, 3, and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sikli in view of Miyahara.

a. Regarding claim 1, Sikli discloses the chassis 26, conveyance path moved along wheels, 24, base frame, 22, scissor lift, 20, and hydraulic cylinders, 64 & 66. Sikli does not disclose a support saddle. Miyahara discloses a support saddle, 35. Therefore it would have been obvious to a person of ordinary skill in the art at the time of the invention to add Miyahara's support saddle to Sikli's device to give the user a versatile use of the scissor lift depending the load to be conveyed.

b. Regarding claim 3, Sikli discloses the scissor lift, 20, supporting a platform, 10. The teachings of Sikli would allow the use of supporting a support saddle by the scissor lift.

c. Regarding claim 4, Sikli discloses the sliding block as shown in Figures 2 and 3 moving inside slot, 54.

6. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sikli in view of Miyahara as applied to claim 1 above, and further in view of Perkins et al. (U.S. 5,636,713). Sikli and Miyahara do not disclose the dual cylinder system. Perkins discloses the dual cylinder 11 and 21 as shown in Figure 4. Therefore it would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Sikli's cylinders with Perkins dual cylinders to increase the height capability of the lift.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Markiewicz (U.S. 6,223,885 B1), Lowder et al. (U.S. 5,072,588), Rued et al. (U.S. 4,363,380), and Ulinski (U.S. 3,534,664).

Conclusion

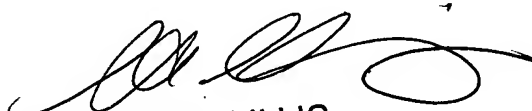
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer P. Herrera whose telephone number is (571) 272-6269. The examiner can normally be reached on 0830-1700 hrs Mon-Fri.

Art Unit: 3652

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis can be reached on (571) 272-6928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JPH/
9/29/06


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